Alcohol/Drug Policy Development and Employee Testing

The misuse of alcohol and other drugs is a costly health and social problem that affects all segments of society. In the workplace, the risk of harm is evident in terms of safety, productivity, and overall work performance.

An alcohol/drug policy is the first step toward minimizing the costs associated with workplace substance use. A good policy will encourage early detection of a substance abuse problem, facilitate early intervention, and, when appropriate, provide support for the employee to deal with the problem. It should help the employer to avoid or reduce worker absenteeism, staff turnover, accidents, grievances, litigation, and disciplinary action related to misuse of alcohol and other drugs. A well-implemented alcohol and drug policy allows employers to meet their responsibility to ensure a safe and productive work environment as well as their responsibility to support their employees. Furthermore, having a company policy on substance use creates and reinforces the expectation that employees arrive fit for work, and remain so throughout the workday. Spelling out exactly what the company requires of workers allows workers to ensure that their behaviour accords with company policy, and prepares them for the consequences of violating company policy.

An employer can be more successful in reducing harm from the misuse of alcohol and other drugs when a good alcohol/drug policy is accompanied by a strong employee assistance program (EAP). When an EAP is in place, co-workers and supervisors are more likely to intervene early because they know the company has a strategy to support workers. Providing employees with an education and awareness program will allow them to identify problems in the workplace, or to identify their own problems and seek help before there are serious consequences on the job.

Read on to learn more about

- developing the company policy
- publicizing the company policy
- applying the company policy
- testing for alcohol or other drugs

DEVELOP THE COMPANY POLICY

Steps in developing the company policy

1. Set the overall objective for the program, which will be a foundation for communication and implementation.
2. Determine who should be involved in the policy development process, who should be consulted along the way (for example, health and safety committees, employee representatives), and where final decisions lie. Make sure the decision makers have the information they need. Identify the area that will be responsible for implementation and ongoing management of the policy. Make sure staff from that area participate in policy development.
3. Determine the specific needs of your workplace by reviewing the following.
    - what you have in place now (for example, current practices, policies and services, including provisions in Occupational Health and Safety manuals, the collective agreement, employee benefit programs)
    - areas for improvement
    - the degree of risk in the operations and any past problems or incidents
    - the regulatory environment within which the company must operate (laws that must be complied with, recent legal decisions, etc.)
    - other external factors such as trends and practices of others in your industry
    - general information on use patterns, impacts and effective solutions in your industry
    - the values and culture of your company
    - other factors relevant to substance use and substance use policy
4. Put together a policy that responds to the identified needs and serves your overall objective (see Policy Content section).

5. Establish parallel and appropriate expectations for contractors, but in a separate document. This document should set out the rules, steps that will be taken to investigate a policy violation, and consequences of a violation, as well as any conditions that must be met before a contractor is allowed to return to your worksite or to work. You have a duty to ensure anyone working on your site or on your behalf, whether employee or contractor, is meeting safety standards, and an obligation to take action if they are not.
6. Have policy provisions reviewed by legal counsel with expertise in this area to ensure that they are in keeping with human rights, labour, and industry regulations.

Policy content

1. In the statement of objectives, emphasize your commitment to a healthy and safe work environment and explain the purpose of having a company policy on alcohol and other drugs.
2. Define the scope and application of the policy: State who is covered and under what circumstances. Provide definitions of company business, premises and worksites so people know when which parts of the policy apply (e.g., rules in an office space versus a loading dock, in jobs requiring operation of dangerous equipment versus desk work). Distinguish employees from contract workers. If it is appropriate to your business and policy standards, provide a definition for risk- or safety-sensitive positions. Be able to explain why certain positions require higher standards.
3. Specify standards you expect employees to meet when on company business, premises or worksites regarding the following:
   - illicit drug use and possession
   - alcohol use and possession
   - responsible use of medications
   - scheduled call-in situations, and emergency call

   In each of these categories, outline clearly any higher standards expected of those in risk- or safety-sensitive positions. With regard to alcohol use and possession, include any specific exceptions for social events, business hosting and training and travel situations. Specify whether storage of sealed containers of beverage alcohol is allowed on site or in a vehicle. With regard to medications, include any requirement to report a need for modified work if advised a medication may jeopardize safety in any way. Indicate any circumstances that should always lead to investigation, such as accidents, violent behaviour or clear signs of inebriation.
4. Set out the procedures to be followed after a possible policy violation. The following are examples of actions for which procedures may need to be specified:
   - intervening in situations of declining performance
   - investigating if there are grounds to believe an employee is unfit on the job
   - escorting an employee, contractor or visitor off the site
   - reporting that an employee has received an impaired driving charge while operating a company vehicle or driving on behalf of the company; investigating such an incident
   - searching company property or taking other actions if there are grounds to believe that someone is in possession of banned substances in the workplace
   - testing for alcohol and other drug use
5. Set out consequences for a policy violation, conditions for return to work, and any conditions for continued employment. Depending on the severity of the violation and safety considerations, consequences may include documentation of the incident, suspension with or without pay, demotion or other disciplinary action up to and including dismissal.

   Conditions of continued employment must be clearly defined for any employee who violates the policy and is not dismissed. Include the option to refer the employee to a substance abuse professional (SAP)[1] for assessment of a possible alcohol or other drug problem.
6. Explain how an employee can get help for a substance use problem.
7. Include provision for an assessment by a substance abuse professional to determine what support an employee may require.
8. Specify the responsibilities of employees and employer regarding substance use at social events or business meetings hosted by the employer.
9. Articulate the responsibilities of employees, supervisors, the company, and any other group that must apply or manage any part of the policy (e.g., human resource staff, occupational health and safety committee, employee assistance program provider, program administrator).
10. Outline the company's intentions if you are considering testing employees for substance use (see the section Alcohol and Drug Testing before making this decision). Specify the conditions that will lead to testing.

1 Unlike employee assistance professionals, SAPs do not provide counselling services. After a violation, they assist the employer to determine if the employee has a substance abuse problem, and advise on appropriate treatment and follow-up programs.

PUBLICIZE THE POLICY

1. Tell employees why the policy was needed, what purpose it serves, and how it can help them. If possible, tell employees well in advance of implementing the policy.
2. Make a written version available to all employees.
3. Ensure that all employees know about the policy, understand its main features (objective, general content, etc.), know where to find the written version, and know who they can ask to explain any areas that they do not understand.
4. Ensure that every employee understands which rules apply to his or her specific position.
5. Keep records confirming that employees were informed of the policy and the way in which it applies to their positions at work.

Apply the policy

1. Designate someone to be in charge of implementation (usually a program administrator).
2. Ensure the policy is consistently enforced across all levels of your organization.
3. Notify contractors of policy expectations. Have them confirm in writing that they understand these requirements and will comply.
4. Make any changes in the benefits or insurance coverage that may result from the policy decisions.
5. Provide initial and ongoing training for supervisors in their role under the policy.
6. Provide ongoing substance abuse awareness information and education for employees, and ensure that they know what support and resources are available to them regarding problems with alcohol and other drugs.
7. Offer employees support. This will help you to prevent the harmful consequences of substance use at work and encourage employees to deal with problems earlier. Such support may include any or all of the following:
   - access to your employee assistance program
   - availability of a peer support team
   - information about community supports available (such as AADAC, community support groups, self-help groups such as Alcoholics Anonymous, social service agencies, or other community addiction services)
8. Enforce the policy. Investigate employees when there is good evidence to believe that they are unfit on the job or in violation of the standards set out in your policy, and apply disciplinary procedures for violation of the policy as fairly as possible.
9. Regularly evaluate all policies and procedures to ensure they are still meeting company needs and objectives.

TESTING FOR THE USE OF ALCOHOL AND OTHER DRUGS

In their efforts to better manage workplace substance use, more and more employers are introducing employee testing programs. Some are required to test so that they can bid on and perform contract work where safety may be compromised. And, since the mid-1990s, those operating motor carriers into the United States have been required to have testing policies and comprehensive testing programs, including random testing, as a condition of U.S. entry for their drivers. More recently, this requirement has extended to certain railway personnel who operate across the U.S. border.

Employee testing has sometimes caused contention in labour-management relations in Canada. No specific legislation in Canada governs testing for alcohol and other drugs, but human rights and court decisions and grievance arbitration rulings are in the process of establishing the legal boundaries of employee testing. The decisions to date have made this clear: companies can test in certain circumstances, but testing should be one component of a comprehensive approach to substance use in the workplace. As well, the decision to test under certain circumstances should be based on good evidence that testing will contribute to achieving the company's overall objectives.

Testing may help to maintain workplace or public safety. It may identify employees who are violating company policy or who have a problem in need of assessment and treatment. It may also help to deter alcohol and other drug use in the workplace in general. It may specifically deter use by employees who are in recovery from a substance use problem or who are being monitored after violating company standards on substance use.

Companies that decide to test employees should have clear justification for each circumstance under which they choose to test. Employers should also recognize that legal boundaries continue to evolve regarding who can be subjected to testing and under what circumstances, and regarding appropriate disciplinary measures. The information below presents only some options to consider.

When to test

A decision to begin testing employees must weigh the protection of individual rights and freedoms against the potential benefits in terms of health and safety. Employee testing should be job specific: it should only be used when impairment is directly related to an employee's ability to carry out job duties safely. Each organization must determine which employees will be tested and under what circumstances. The following are examples of circumstances under which testing may occur.

Pre-employment • Job applicants must pass a test as a condition of final job offer, or as a condition of certification to a position with the company.

Pre-assignment • Employees must pass a test before being assigned a new position that is risk- or safety-sensitive, or as a condition of assignment to a particular high-risk operating area or worksite.

Periodic • Employees are tested at some regular, announced time, such as at the employee's annual medical exam.

After an incident • Employees are tested as part of a complete investigation into a significant accident or other incident, usually involving injury or damage to property or the environment.

For cause • Testing is part of an investigation after a worker exhibits behaviour consistent with alcohol or other drug use and is deemed unfit for duty.

Monitoring programs • Testing may be a part of a monitoring program to support the continued recovery of an employee after treatment for substance abuse.

Unannounced follow-up • Employees are tested as a condition of continued employment after a policy violation, usually set out in an agreement. The time of testing is not announced beforehand.

Random • Workers are selected at random, usually from the pool of those employed in safety-sensitive positions. After the test, their names are returned to the pool and still subject to selection.

Who to test

Organizations must also determine who will be tested under each testing circumstance. In some circumstances, the organization may test all employees; in others, testing may only include employees subject to particular regulations (such as those operating in the U.S.). Other groups that may be selected for testing include the following:

- job applicants short-listed for hiring
- employees in designated risk- or safety-sensitive positions
- those assigned to work under a company's contract with a client
- those assigned to work on specific projects or sites

Testing procedures

The technology of testing is very accurate provided trained and qualified staff are collecting, analyzing and reviewing the results. Laboratories used should be certified by the U.S. Department of Health and Human Services (three in Canada maintain that certification), and medical review officers should be independent of the laboratory, experienced, and certified by one of the U.S. certifying bodies.

Alcohol

Testing for alcohol use should normally be done using a calibrated breath analyzer with a printout of results for the employee and employer. Under limited circumstances (often remote situations) when a breath analyzer is not available, a saliva-testing device is used. If the device indicates the presence of alcohol above the permitted level, a separate urine sample is collected for analysis in the laboratory (recognizing that there must be an adjustment in the cut-off point to account for the difference in density between blood and urine).

Other drugs

Testing for drugs other than alcohol is usually done by collecting a urine sample. The testing procedure must provide a secure chain of custody to ensure that samples have not been tampered with or unintentionally altered. Specimens must be collected in a manner that protects the privacy and dignity of the individual.

Once a sample is collected, it is transferred to the laboratory and screened to detect the presence of a class of drug (such as opioids). All positive tests resulting from the initial screening process must then undergo a second, confirmatory test that will detect the presence of specific drugs (using gas chromatography/mass spectrometry technology).

A drug has to be at the established cut-off concentration or greater for a positive test result. This eliminates any doubt that the person used the substance (e.g., eliminates the possibility of a positive result after exposure to second-hand marijuana smoke). These cut-off points were established by the U.S. Department of Health and Human Services and are used for programs across North America. Normally programs test for the presence of marijuana (cannabinoids), opioids, amphetamine/methamphetamine, cocaine and PCP, although laboratory standards can be established for other drugs should there be justification to expand the slate.

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Professional analysis

The interpretation of test results is not straightforward and requires a professional licensed medical practitioner who has been trained as a medical review officer (MRO). The MRO reviews all drug test results that are positive, appear to be tampered with, or are in any way questionable. She or he discusses the result of each employee's drug test with that employee to determine if there is a legitimate medical reason for the laboratory finding. The MRO then verifies if the test result is a true positive or a true negative, or whether there is evidence of specimen substitution or other tampering. He or she reports that result to the company program administrator (i.e., the work unit responsible for managing the company's substance use policy). Employees whose results are found positive by a laboratory should always be provided with an opportunity to discuss the result with an independent MRO before it is reported to the company.

Alternate procedures

New technology using collection of saliva for analysis in a laboratory is being introduced, and should follow the same procedures as urine drug testing (qualified collectors, security of the sample, analysis in a certified laboratory and review of results by an independent MRO).

Finally, an increasing number of employers in Alberta are looking at "on-site" or "point of collection" testing to speed up the process. In this situation, the screening component is in the collection kit, and all samples that do not screen negative at the point of collection are forwarded to a laboratory for confirmation and, if necessary, MRO review. Employers should use screening kits that include adulterant checks to ensure that a drug user who has adulterated their sample (e.g., by using a product to mask presence of a drug) does not avoid the laboratory confirmation step. Samples not identified as negative at this screening stage (e.g., positive, tampered, diluted, etc.) should be forwarded to a laboratory for further analysis. The screen result is not definitive. Employers also need to decide what steps they will take with an applicant or employee who does not screen negative until the review is complete.

What the results indicate

A positive drug test indicates the drug in question is present in the urine specimen, but the test cannot confirm to what degree an individual was impaired at the time the sample was taken. A positive alcohol test provides more specific information on the degree and timing of impairment. In both cases, however, a positive result can not distinguish between chronic and occasional use, nor does it identify someone with a dependency.

Important considerations

When considering introducing the testing of employees for use of alcohol and other drugs, be aware of the following concerns.

1. Employees may be uncomfortable with being tested for the use of alcohol and other drugs. Questions of trust, privacy, and individual rights will have to be addressed. Employees will need to understand why testing has been introduced. They will need to be clear on company policy, on support offered by the company, and on the consequences of a positive test result or refusal to complete the testing process. Recognize that some people will consider testing an intrusive measure, and will have concerns about confidentiality of information, and appropriate use and disclosure of results.

2. Employees need to feel secure that those with a substance abuse problem will be treated fairly and supported throughout the treatment and recovery process when appropriate.

3. Testing should be used to help the employee to seek treatment for substance abuse, when warranted. Although a positive test may result in disciplinary action, consideration should be given to providing assessment, treatment and support to the employee with a substance abuse problem. Normally, once a violation has occurred, a substance abuse professional is consulted to determine what support and accommodation the employee may need.

4. The legal limits of employee testing are evolving and becoming clearer. Testing can be undertaken in certain situations within the context of a comprehensive policy and using qualified service providers. However, it is still not clear whether random testing and pre-employment testing for drugs other than alcohol will be upheld by regulatory agencies such as courts, human rights tribunals, and labour arbitration boards. This is because although scientific cut-off levels have been established for laboratory testing programs, legally accepted standards of impairment for drugs other than alcohol have not been determined.

5. There is a need for further research to determine whether testing for alcohol and other drugs is effective in deterring substance use and in what situations it is effective.

For more information

AADAC (Alberta Alcohol and Drug Abuse Commission) offers a range of services to assist businesses in managing workplace substance use and gambling concerns. These services include

Information/Resources • Besides the *It's Our Business Information Series*, AADAC offers several resources for workplace leaders and employees.

The *It's Our Business* manual gives leaders in the workplace the information they need to build a healthy, well-functioning workplace team. This practical, well-organized binder offers clear information and insightful advice in an easy-to-follow format, based on a philosophy of fitness for work. Employers and managers are advised to remain focused on what is their business: the employee's ability to do his or her job.

To supplement the manual, AADAC offers three brochures to inform employees and enlist them as allies in creating a workplace that is free from the problems created by the abuse of alcohol, other drugs and gambling:

- *Is Drinking, Using Drugs or Gambling Affecting My Work?* helps employees to assess whether their work is being affected by their substance use or gambling and offers suggestions on finding further help.
- *Someone at Work Has a Problem* guides employees in intervening with a co-worker who may have an alcohol, other drug or gambling problem by outlining workplace indicators and tips for a successful intervention.
- *What You Need to Know About Fitness for Work* outlines the concept of fitness for work, and describes how substance use and gambling affect fitness for work, what an employee can do to be fit for work, and what one can do when others are not fit for work.

For more information on these and other resources from AADAC, call 310-0000/780-427-7319 (in Alberta) or 1-800-280-9616 or check the website at www.aadac.com

Employer Consultations • If you are concerned about an employee's substance use or gambling and would like to discuss strategies to intervene, contact the AADAC office nearest you.

Client Services • AADAC's network of services offers information sessions, assessment, individual and group counselling, and intensive treatment to any Albertan concerned about a substance use or gambling problem. Contact the nearest AADAC office for information.

Treatment Programs for Employees • The AADAC Business and Industry Clinic offers residential treatment programs specifically for the workplace. Located at the Northern Addictions Centre in Grande Prairie, the clinic offers a complete range of services to meet the needs of employees with substance abuse or gambling problems, as well as the needs of the referring party. Services include detoxification, a 30-day alcohol and drug program, a 50-day cocaine program, a family program and extensive follow-up programs.
For more information, call 780-538-6316 or 1-800-419-1149.

Training for the Workplace • AADAC offers training to assist businesses in addressing substance abuse and gambling in the workplace. Training topics include understanding addiction, alcohol and drug policy development, and supervisory training on dealing with the troubled employee. Workshops can be custom designed and delivered at the worksite. For more information, contact your local AADAC area office.

AADAC
ALBERTA ALCOHOL AND DRUG ABUSE COMMISSION

For more information, contact your local AADAC office, call 1-866-33AADAC or visit our website at www.aadac.com

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